Agenda Item # 19.9.
Date 8-1-07

STATE OF NEBRASKA

Dave Heineman
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY
Michael J. Linder
Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909
website: www.deq.state.ne.us

JUL 26 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Russ Vering
Shellview, Inc.
P.O. Box 396
Howells, NE 68641

RE: **Construction and Operating Permit Issued**
Shellview, Inc. Concentrated Animal Feeding Operation (IIS #73981)
NE ¼, SE ¼, Section 11, Township 19N, Range 05E, Dodge County
Consultant: Settje Agri-Services & Engineering, Inc.

Dear Mr. Vering:

Enclosed is your Construction and Operating Permit for livestock waste control facilities (LWCF) at the concentrated animal feeding operation listed above.

Upon completion of construction, a Certification of Completion Form must be submitted as appropriate. Once the Department receives the Certification Form, a post-construction inspection will be conducted. Upon determining that the LWCF was constructed according to the approved application, the Department will notify you that the new LWCF may be operated. The new LWCF shall not be operated until written authorization is received from the Department.

This animal feeding operation shall be operated and maintained according to the approved application and addendum, this Construction and Operating Permit, and the requirements in Title 130, *"Livestock Waste Control Regulations."* These documents include operating and maintenance requirements, best management practices for the LWCF, and requirements for monitoring, reporting, and land application of the waste.

You will want to read and become familiar with these documents, since you will be held responsible for your operation's compliance with these requirements. Violation of Title 130 requirements may result in fines, penalties, or removal of the livestock from the operation until compliance is met.

Your large concentrated animal feeding operation is not required to obtain coverage under a National Pollutant Discharge Elimination System permit, based on your current operation. NPDES Permit coverage of your operation may be required in the future if your operation discharges into waters of the State, if the Department determines that a discharge is more likely than not to occur, or due to statutory or regulatory changes.

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CONSTRUCTION AND OPERATING PERMIT

Shellview, Inc. Concentrated Animal Feeding Operation (IIS No: 73981)

Legal Description: NE ¼, SE ¼, Section 11, Township 19N, Range 05E, Dodge County

Shellview, Inc. Concentrated Animal Feeding Operation is issued this Construction and Operating Permit with the following terms and conditions:

1) This Construction and Operating Permit covers only those facilities in the application approved on July 16, 2007, by the Nebraska Department of Environmental Quality (Department), and any subsequently approved addendums. This Construction and Operating Permit is issued for the maximum number of livestock and the number of livestock waste control facilities listed below:

Type(s) of Livestock	Maximum Capacity (# of head)
Nursery Pigs	3,168
Finish Swine	6,432

Type(s) of LWCF	Number
Underfloor Deep Pits	2
Earthen Storage Pit	1

2) Construction of the earthen storage pit shall be completed **prior to use.**

3) Upon completion of construction, the Permittee shall file the attached Certification of Completion form with the Department.

4) Permittee shall verify, upon completion of construction, the percolation rate for all earthen liners, and watertight seam testing on flexible membrane liners. (Title 130, Chapter 8, 007).

5) Permittee shall obtain approval from the Department prior to making any modifications or changes to the design or operation of the LWCF.

6) Permittee shall allow the Department access, at any reasonable time, to the operation, livestock waste control facilities, groundwater monitoring wells, and any records required under Title 130, *"Livestock Waste Control Regulations,"* and this permit.

SETTJE
Agri-Services & Engineering

4700 W. Rock Creek Rd.
Raymond, Ne 68428
office (402) 783-2100
fax (402) 783-2104

5876

DUPLICATE

RECEIVED
JUN 15 2007
Nebraska Department of Environmental Quality
By:

Addendum to application received on 5/7/07 DWS

June 13, 2007

Darwin Schultz
1200 N Street, Suite 400
PO Box 98922
Lincoln, NE 68509-8922

Reference:

Corrections for the Major Modification
Russ Vering, Shellview, Inc.
NE ¼, SE ¼, Sec. 11, Tow. 19N, Ran. 5 E. of Dodge County
IIS # 73981

Dear Darwin,

Please find enclosed the corrections to the application for a Major Modification for the facility referenced above. These items were requested in a letter from your office dated June 7, 2007 and have been addressed as follows:

1. The nutrients will not be applied by the use of a pivot irrigation system thus an irrigation distribution map was not included. The nutrient management plan has been amended to remove the reference to the pivot.
2. Page 7 of the nutrient management plan has been revised to state that waste will not be applied within 100 feet of a well, tile inlet, or other conduit to waters of the state.
3. A splash pad detail has been included.
4. Chemicals will not be stored on site. The nutrient management plan was in error and thus that portion of it has been included for your review.
5. Application site #7 was removed from the application. A new Manure Management Worksheet has been included minus the land in question.

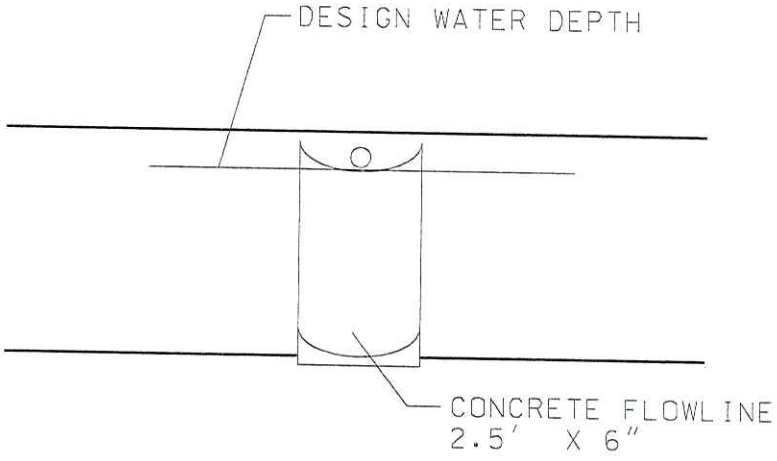
If you have any further questions or concerns please do not hesitate to contact us at the address above. On behalf of Shellview, Inc., thank you for your consideration of these matters.

Sincerely,

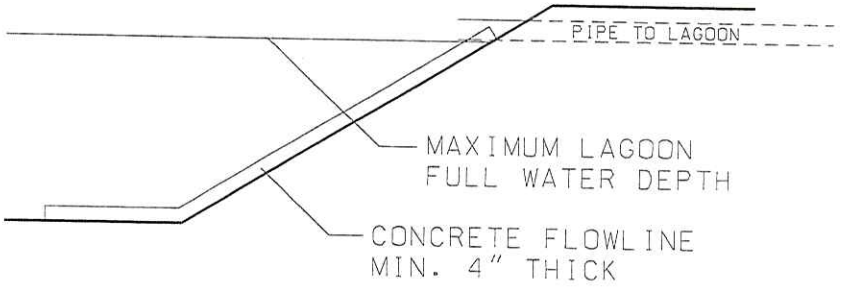
Shad Dahlgren

2007096400

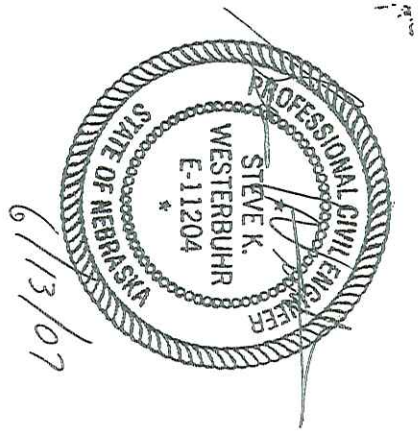
TYPICAL SPLASH PAD



FRONT VIEW



RIGHT SIDE VIEW



NOT TO SCALE

SETTJE Agri-Services & Engineering, Inc.

Manure Management Worksheet
For Swine Facility Manure Storage & Deep Pits

Facility Information

Facility Name	Shell View
Total Land Area for Application	1567 ac.

Manure Storage

Animal Head Capacity

Animal Type	Head Capacity	Avg Wt.	Total Wt.	Nitrogen Excretion	Nitrogen Lbs./Year	Phosphorous Excretion	Phosphorous Lbs./Year	Potassium Excretion	Potassium Lbs./Year
Gestation Sows		425	-	0.070	-	0.050	-	0.050	-
Sow & Litter		475	-	0.170	-	0.120	-	0.130	-
Gilts		250	-	0.088	-	0.066	-	0.058	-
Boars		425	-	0.056	-	0.042	-	0.044	-
Iso/Nursery	3168	35	110,880	0.222	24,615	0.210	23,285	0.150	16,632
Grow/Finisher	6432	150	964,800	0.150	144,720	0.130	125,424	0.100	96,480
Total - Lbs./Yr.	*9600*		*1,075,680*		*169,335*		*148,709*		*113,112*

Crop & Yield Information

Crop to be Grown	Corn - Irr	Corn - dryland	Soybeans Irr	Soybeans Dry		
Expected Yield	153.80	110.40	46.40	37.80		
Acres of Each Crop	540 ac.	243 ac.	540 ac.	244 ac.		
% of Total	34%	16%	34%	16%	0%	0%

Uptake, Output and Utilization Assumptions

Nutrient	% actually applied	Corn - Irr bu. lbs. / unit	Corn - dryland bu. lbs. / unit	Soybeans Irr bu. lbs. / unit	Soybeans Dry bu. lbs. / unit	- lbs. / unit	- lbs. / unit
Nitrogen	80%	0.90	0.90	3.76	3.76	0.00	0.00
Phosphorus	95%	0.40	0.40	0.82	0.82	0.00	0.00
Potassium	95%	0.22	0.22	1.20	1.20	0.00	0.00

Nitrogen Calculations

Crop to be grown	Corn - Irr	Corn - dryland	Soybeans Irr	Soybeans Dry			Total
Expected yield	153.8 bu.	110.4 bu.	46.4 bu.	37.8 bu.			
Total N applied/ac.	138 lb.	99 lb.	174 lb.	142 lb.	0 lb.	0 lb.	
Total N required/crop/ac.	138 lb.	99 lb.	174 lb.	142 lb.	0 lb.	0 lb.	
Total N applied/crop/total facility	74747 lb.	24144 lb.	94211 lb.	34679 lb.	0 lb.	0 lb.	227781 lb.
						Total N / Facility * Percent Applied	135468 lb.
						Surplus or Defecit of Nutrient	-92313 lb.

Phosphorus Usage

Crop to be grown	Corn - Irr	Corn - dryland	Soybeans Irr	Soybeans Dry			Total
Expected yield	153.8 bu.	110.4 bu.	46.4 bu.	37.8 bu.			
Total P_2O_5 applied/ac.	62 lb.	44 lb.	38 lb.	31 lb.	0 lb.	0 lb.	
Total P_2O_5 required/crop/ac.	62 lb.	44 lb.	38 lb.	31 lb.	0 lb.	0 lb.	
Total P_2O_5 applied/crop/total facility	33221 lb.	10731 lb.	20546 lb.	7563 lb.	0 lb.	0 lb.	72061 lb.
						Total P_2O_5 / Facility * Percent Applied	141273 lb.
						Surplus or Defecit of Nutrient	69213 lb.

Potassium Usage

Crop to be grown	Corn - Irr	Corn - dryland	Soybeans Irr	Soybeans Dry			Total
Expected yield	154 bu.	110 ton	46 bu.	38 ton	0 ton	0 ton	
Total K_2O applied/ac.	34 lb.	24 lb.	56 lb.	45 lb.	0 lb.	0 lb.	
Total K_2O needed/ac.	34 lb.	24 lb.	56 lb.	45 lb.	0 lb.	0 lb.	
Total K_2O applied/crop/total facility	18271 lb.	5902 lb.	30067 lb.	11068 lb.	0 lb.	0 lb.	65308 lb.
						Total K_2O / Facility * Percent Applied	107456 lb.
						Surplus or Defecit of Nutrient	42148 lb.

Waste Utilization Supplement Sheet

Shellview

Application Site #	Acres Availible	Land Use	Land Slope (%)	Soil Type	Legal Description	Owner of Land	App. Agreement	Is livestock waste from another facility applied to this site?
1	157.0	Crop	2-6	Moody Silty Clay Loam	Parcel: NE1/4 Section: 9 Township: 19 Range: 5 Range Dir.: E County: Dodge	Pojar Farms 437 County Road E Dodge, NE 68633 4025682517	☑	☐
2	567.0	Crop	2-6	Moody Silty Clay Loam	Parcel: W1/2 & E3/4 Section: 27 Township: 20 Range: 5 Range Dir.: E County: Dodge	Pojar Farms 437 County Road E Dodge, NE 68633 4025682517	☑	☐
3	31.0	Crop	2-6	Moody Silty Clay Loam	Parcel: NE1/4 SE1/4 Section: 11 Township: 19 Range: 5 Range Dir.: E County: Dodge	Pojar Farms 437 County Road E Dodge, NE 68633 4025682517	☑	☐
4	302.0	Crop	0-2	Kennebec Silt Loam	Parcel: W1/2 Section: 34 Township: 20 Range: 5 Range Dir.: E County: Dodge	Pojar Farms 437 County Road E Dodge, NE 68633 4025682517	☑	☐
5	313.0	Crop	2-6	Moody Silty Clay Loam	Parcel: E1/2 Section: 28 Township: 20 Range: 5 Range Dir.: E County: Dodge	Vering, Russ Box 396 Howells, NE 68641 4029861400	☑	☐
6	157.0	Crop	2-6	Moody Silty Clay Loam	Parcel: NW1/4 Section: 8 Township: 19 Range: 6 Range Dir.: E County: Dodge	Pojar Farms 437 County Road E Dodge, NE 68633 4025682517	☑	☐
8	40.0	Crop	0-2	Boel Loamy Fine Sand	Parcel: SE1/4 SW1/4 Section: 22 Township: 20 Range: 5 Range Dir.: E County: Dodge	Pojar Farms 437 County Road E Dodge, NE 68633 4025682517	☑	☐

Total Acres 1567

2. Application Site Nutrient Management

2.1 General Considerations

The facility has 1,567 acres of mostly irrigated cropland as shown on the enclosed GIS (Geographical Information System) maps, which are equivalent to U.S.G.S maps.

2.2 Irrigation Distribution System

A custom applicator will be employed to use a portable 8" flexible hose and a 1000 GPM portable pumping station to distribute liquids to an injection system. This will allow for the safe and effective disposal of manure and or top-water in emergency situations or as a means of normal routine disposal.

2.3 Transportation of Waste by Truck

The remaining effluent will be transported to application sites by truck and distributed by manure application implements. The custom applicator will have tanker trucks, manure applicators and portable pumps to dewater the manure storage pit in its inventory. The trucks can then be individually pumped over to the tanks of the application equipment in the field. Care will be taken by the applicator to ensure proper maintenance of the facility, roads and prevent spills. Management of these facilities will coordinate effuent spreading to ensure agronomic rates and proper amounts of effluent spread to this field.

2.4 Nitrogen Waste Sampling Procedures

Sample and analyze product from the manure storage pit prior to any applications **for total nitrogen and available nitrogen (nitrate nitrogen and ammonia)**. These results will be used to determine application rates to the application land. Samples will be taken from the top of the manure storage pit, and mid section of the manure storage pit, as contents may vary as the depth increases. All samples will be taken according to the procedures suggested in the NRCS Ag Waste Management Handbook, Appendix 13B, Manure, Soil and Plant Testing. Such results will be used to determine agronomic application rates as shown in the example below.

2.4.1 Effluent Water Sampling Procedures for Nitrogen

The effluent water will be sampled and analyzed prior to any applications for total nitrogen, and available nitrogen including ammonia. All samples will be taken according to the procedures suggested in the NRCS Ag Waste Management

into waters of the state. If effluent product is not subject to runoff (i.e. application rates are less intense) incorporation will not be required.

2.5.4 Planned Application Rates for Phosphorous

- Phosphorous in the effluent will be applied without consideration of agronomic rates. However, soil testing will determine sustainability and the need for corrective action as specified above.

2.6 Other Effluent Application Considerations

2.6.1 Surface Water Considerations

Management will not apply manure or effluent within 100 feet of any streams, lakes, and impounded waters listed in Chapter 5 and Chapter 6 of Title 117 (NAC) and identified on the enclosed maps. Also animal waste will not be applied within 100 feet of any well, tile inlet, or any other conduit to the waters of the state. The producer shall use these maps when land applications of manure are made to determine this 100-foot setback distance.

2.6.2 Wetlands Considerations

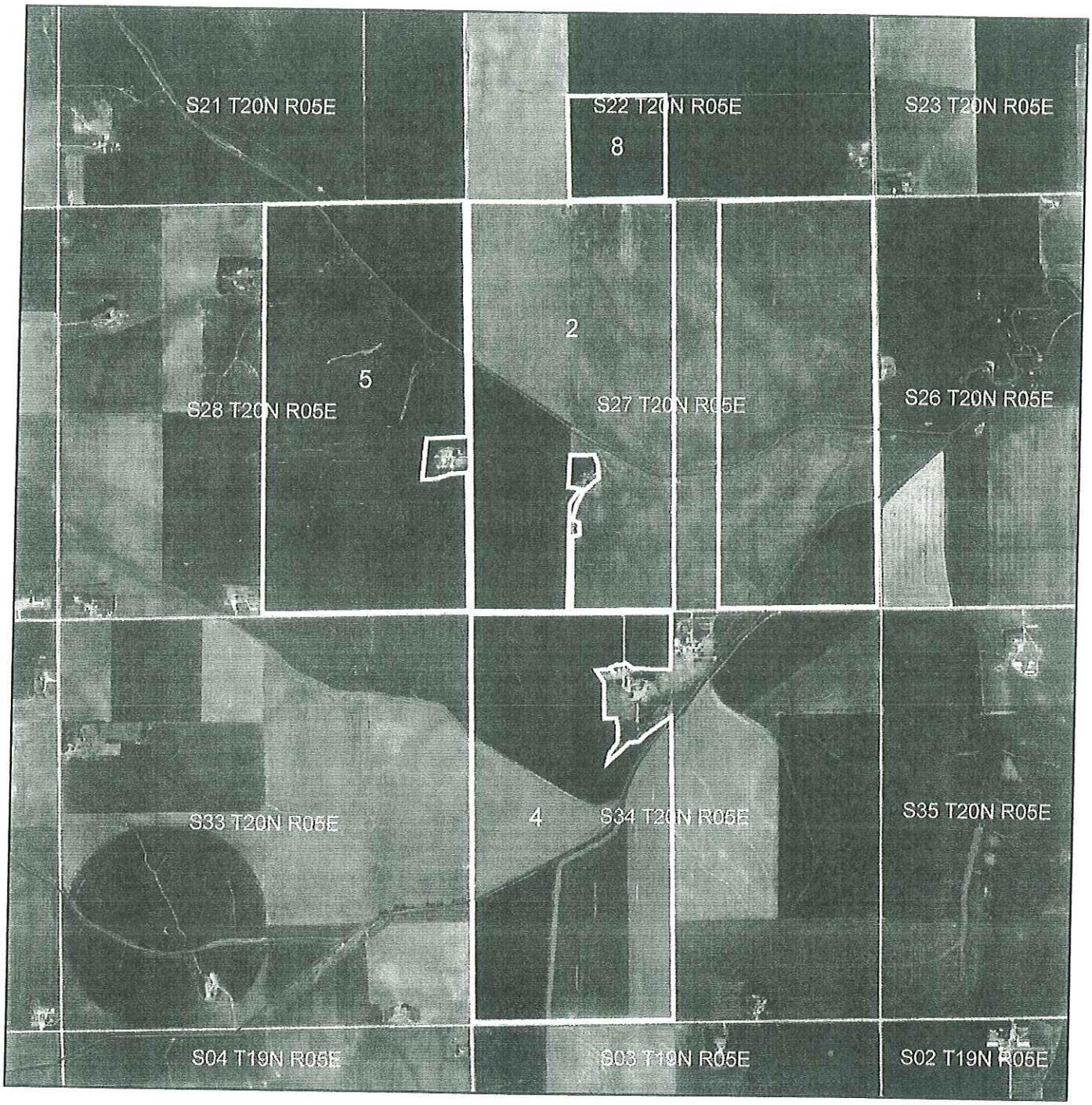
The owners of the tracts of each parcel have been consulted with regards to identifying any wetlands on the manure application sites. These sites are identified on the enclosed maps and the acres included within the wetland areas have been excluded from the total acreage referenced on the Waste Utilization Supplement Sheet. When applying manure, management shall not apply manure or effluent within 100 feet of any wetland. The enclosed maps shall be used to determine the 100-foot setback distance.

Other Considerations

1. Management will notify NDEQ if any future application sites are acquired and will include them into this Plan, along with consideration for the aforementioned items.
2. Management will keep a record of any manure or effluent that is sold, and will not be responsible for keeping record of or determining distribution rates of such manure. Such record will detail the date, amount of manure sold on a daily basis, person sold to and any other details of the transfer and sale. Manure used, gifted or traded to any other party shall be subject to records of all distributions as per this Comprehensive Manure and Nutrient Management Plan and the requirements of Title 130, Chapter 3.
3. Management will attend or participate in the NDEQ approved training for land application as specified in Title 130 every five years or as required.

Shellview, Inc.

Application Land



Facility Border

Application Land

Sections

waters of the state

N

W E

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Settje Agri-Services & Engineering, Inc.